

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1:22CR58-LG-BWR-1

PATRICK DARNELL DANIELS, JR.

**TRANSCRIPT OF SENTENCING HEARING**

BEFORE THE HONORABLE LOUIS GUIROLA  
UNITED STATES DISTRICT JUDGE

OCTOBER 18, 2022  
GULFPORT, MISSISSIPPI

APPEARANCES:

FOR THE GOVERNMENT:

JONATHAN BUCKNER, ESQUIRE  
ERICA ROSE, ESQUIRE  
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FOR THE DEFENDANT:

JOHN WEBER, ESQUIRE  
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1           **THE COURT:** Madam clerk, you may call the next case.

2           **THE CLERK:** Criminal Case No. 1:22cr58, United States  
3 of America versus Patrick Darnell Daniels, Jr., set for  
4 sentencing.

5           **THE COURT:** What says the government?

6           **MS. ROSE:** Good afternoon. Thank you, Your Honor.  
7 Erica Rose and Jonathan Buckner, on behalf of the government,  
8 and we are ready to proceed.

9           **THE COURT:** And I see that you have Mr. Buckner with  
10 you as well. Again, good afternoon to you both.

11           **MR. BUCKNER:** Afternoon, Your Honor.

12           **THE COURT:** And what says the defendant?

13           **MR. WEBER:** Good afternoon, Your Honor. John Weber  
14 on behalf of Patrick Daniels, along with Leilani Tynes.  
15 Mr. Daniels is present in court and ready for sentencing.

16           **THE COURT:** All right. Thank you, Mr. Weber. Good  
17 afternoon to you and Ms. Tynes as well.

18           **MS. TYNES:** Good afternoon, Your Honor.

19           **THE COURT:** Ms. Rose and Mr. Buckner, did you receive  
20 a copy of the presentence investigation report and the addendum  
21 to the report?

22           **MS. ROSE:** Yes, Your Honor.

23           **THE COURT:** Does the government have any objections?

24           **MS. ROSE:** No, Your Honor.

25           **THE COURT:** Mr. Weber and Ms. Tynes, did you also

1 receive a copy of the presentence investigation report and the  
2 addendum?

3 **MR. WEBER:** Yes, Your Honor.

4 **THE COURT:** Did you have an opportunity to go over it  
5 with Mr. Daniels?

6 **MR. WEBER:** Yes, Your Honor.

7 **THE COURT:** In your judgment, did Mr. Daniels  
8 understand the findings of fact and the application of the  
9 advisory guidelines as contained in the report?

10 **MR. WEBER:** Yes, Your Honor.

11 **THE COURT:** Does Mr. Daniels have any objections  
12 either to the findings of fact or the application of the  
13 guidelines as contained in the report?

14 **MR. WEBER:** No, Your Honor.

15 **THE COURT:** Very well. Then without objection, the  
16 Court will adopt the presentence investigation report without  
17 change. The Court notes that by applying the facts contained  
18 in the presentence investigation report to the advisory federal  
19 sentencing guidelines, that the total offense level in this  
20 case is a level 20, with a criminal history category of II.  
21 This yields a sentencing imprisonment range of 37 to 46 months,  
22 a supervised release range of 1 to 3 years, a fine range of  
23 15,000 to \$150,000, and the Court has before it no additional  
24 evidence or materials which would justify a departure under the  
25 provisions of the advisory guidelines.

1           Mr. Weber, do you and Ms. Tynes intend to offer any  
2 additional evidence or any additional materials which may touch  
3 upon the statutory sentencing factors?

4           **MR. WEBER:** Your Honor, we have submitted for the  
5 Court's consideration a sentencing memorandum and a request for  
6 the Court to consider a downward variance, along with three  
7 letters that were attached to that memorandum.

8           **THE COURT:** The sentencing memorandum itself has been  
9 filed of record. You say those letters were attached as well?

10          **MR. WEBER:** Yes, Your Honor.

11          **THE COURT:** Ordinarily we try to split those up, but  
12 we will make a note in the record that the letters were  
13 actually attached to the sentencing memorandum which I have  
14 reviewed, as well as those letters.

15          **MR. WEBER:** Your Honor, those documents were  
16 submitted to the Court via electronic mail, along -- and copied  
17 to the U.S. Attorney's Office, so the Court can split them up.

18          **THE COURT:** Yes, I don't need to. Like I said,  
19 ordinarily they are split up, but since they are together, that  
20 is fine. They are all in the record.

21          **MR. WEBER:** Yes, Your Honor.

22          **THE COURT:** Thank you. Does the government intend to  
23 offer any additional materials or any additional evidence which  
24 may touch upon the statutory sentencing factors?

25          **MS. ROSE:** No, Your Honor.

1           **THE COURT:** Very well. Pursuant to Rule 32 of the  
2 Federal Rules of Criminal Procedure, Mr. Weber, I will invite  
3 you to make any additional comments or any additional arguments  
4 that you wish to make. You may wish to defer to Ms. Tynes. I  
5 don't know. But either one of you have that opportunity now.

6           **MR. WEBER:** Thank you, Your Honor. Your Honor, I  
7 would just briefly highlight a couple of points I made in the  
8 sentencing memorandum.

9           Number one, I don't think at any point that Patrick  
10 Daniels denied the facts that the government used to seek a  
11 conviction before the jury. This case was more about  
12 constitutional rights, about an individual who has never been  
13 convicted of a felony offense and who is now a convicted felon  
14 and will suffer the consequences of being a convicted felon.

15           Those were, I think, the motivating factors to test the  
16 government's case. And I would submit to the Court that it's  
17 healthy from time to time to try a case. And the Court -- I  
18 feel that our trials are few and far between, and I know that  
19 the Court has said before that you won't take that against a  
20 defendant, the fact that he decided to go to trial. I know  
21 that the Court will not hold that against Patrick Daniels.

22           You know, this might have been a good case to try to  
23 negotiate on the front end for some type of diversion, but the  
24 U.S. Attorney's Office leadership has a policy against  
25 diversion. I think Patrick Daniels would have been successful

1 under a diversion type program, and that's why we have  
2 submitted to the Court to -- and asking the Court to strongly  
3 consider a sentence of probation for a number of reasons.

4 First -- and I will go back a second. The guidelines in  
5 this case are driven by the characteristics of one of the  
6 firearms in the car. It was a rifle with an extended magazine,  
7 which resulted in an offense level of 20. Because Mr. Daniels  
8 went to trial, he was not given a reduction for acceptance of  
9 responsibility. His criminal history is minimum. It is  
10 calculated primarily based on the underlying offense in this  
11 case, which is possession of marijuana.

12 Mr. Daniels, however, does have a strong support network.  
13 His mother, his uncle, his godmother are present in court  
14 today. Mr. Daniels understands the difference between right  
15 and wrong, and his focus is now on his child and his younger  
16 siblings.

17 I believe he has the tools and the mentality to be  
18 successful if given a sentence of probation, perhaps a sentence  
19 of probation with a special condition of halfway house or  
20 electronic monitoring.

21 Probation is not a lenient sentence. It is punishment.  
22 And if a Court uses a sentence of probation, what that does is  
23 it subjects an individual on probation to certain rules and  
24 regulations. However, if that individual does not abide by his  
25 obligation to the Court or her obligation to the Court, he or

1 she finds himself or herself before the Court for resentencing.  
2 So I think it could be an effective tool in certain cases,  
3 given the characteristics of certain defendants. And I believe  
4 that Patrick Daniels is one of those certain defendants where  
5 perhaps this particular type of sentence could be effective in  
6 making sure that there is no recidivism, that he does what is  
7 expected of him, that is, to support his family and be a good  
8 citizen in our community.

9 I also, in my memorandum, make a distinction between this  
10 particular case where there's no allegation or no evidence  
11 presented that Patrick Daniels used those firearms or even  
12 fired those firearms, if you will.

13 And distinguish this case from those cases that we've seen  
14 perhaps in Your Honor's court of individuals charged with being  
15 unlawful users of controlled substance with a history of being  
16 a menace to their community, if you will, and individuals who  
17 perhaps are posing on social media with guns and marijuana and  
18 posting videos on social media, terrorizing their communities.  
19 And that is not the case before Your Honor this afternoon. And  
20 I believe that's an important distinction between those cases  
21 where you may have sentenced individuals for this particular  
22 crime that distinguishes this case to where it may justify the  
23 sentence requested by the defendant.

24 That's all, Your Honor.

25 **THE COURT:** You make good points, Mr. Weber,

1 certainly, as you always do, and I appreciate your sentencing  
2 memorandum as well. I would also commend the Public Defender's  
3 office for the concept that sometimes cases should go to trial  
4 and should test these statutes that have been passed by  
5 Congress and have the opportunity for other courts to take a  
6 closer look at them. I thank you.

7 **MR. WEBER:** Yes, Your Honor.

8 **THE COURT:** All right. Ms. Rose, you have the same,  
9 or Mr. Buckner, either one of you have the same opportunity  
10 pursuant to Rule 32. Is there anything that you wish to add?

11 **MS. ROSE:** No, Your Honor. Thank you.

12 **THE COURT:** Of course, Mr. Daniels, before the Court  
13 imposes any type of a sentence, you have the right to speak  
14 yourself. You have the right of what we call allocution. And  
15 again, that means you have the opportunity and the right to  
16 stand up and say anything that you wish to say for as long as  
17 you wish to say it in mitigation of the sentence. Is there  
18 anything that you wish to say?

19 **THE DEFENDANT:** Yes, Your Honor, I have something  
20 ready.

21 **MR. WEBER:** Would you like us to come to the lectern,  
22 Your Honor?

23 **THE COURT:** Whatever would be more comfortable. You  
24 can do it from counsel table, if you'd like, or the lectern.

25 **THE DEFENDANT:** Can I go ahead?



1           **THE COURT:** Yes, sir.

2           **THE DEFENDANT:** I would like to start by saying I  
3 apologize for my actions on April 25, 2022. My intentions were  
4 not directed toward disobeying the law. I accept full  
5 responsibility for my actions. Sitting in federal custody has  
6 given me plenty of time to think about my actions. Marijuana  
7 has been a troublemaker for me in the previous years of my  
8 life, and now it has cost me my freedom. I have lost  
9 everything I've worked hard for over the years. I've lost  
10 family, friends, relationship, all due to the fact I smoke  
11 marijuana.

12           Moving toward, I plan on being drug-free and a  
13 hard-working person so the next step in my life will be to  
14 focus on becoming a business owner and also -- and also opening  
15 my own tire shop. Although construction has always been my  
16 choice of trade, I have a passion for changing and selling  
17 tires.

18           Looking forward, I will not let this one situation stop me  
19 from doing the things I want to accomplish. Being taken away  
20 from my children has really been an eye-opener. Nothing left  
21 on this planet is more important than them. My step-kids and  
22 my own child's life are more important than mine. I plan on  
23 marrying my beautiful girlfriend and giving the kids and  
24 ourselves a better life in the near future. I sit here every  
25 day thinking of the things that I've done wrong. Not once have

1 I given up on myself. My family depends on me, so giving up  
2 will never be the answer. My life has taken a turn, but it  
3 isn't too late to fix my mistakes.

4 Upon release, I am going to take care of all legal matters  
5 that are pending against me. I plan on never being in jail  
6 again in my life, seeing the impact that this journey has given  
7 me, not only me, but also my family and friends. Your Honor,  
8 I'm working hard every day and planning my new life for the day  
9 I am released.

10 Once again, I apologize for my inconvenience, putting  
11 myself in a position to fail. I can promise you there will be  
12 no more issues with me and the law. I plan on being a  
13 law-abiding citizen from here on out.

14 I would like to ask for a chance to rejoin my family as  
15 soon as possible. I prepared myself to move forward and not  
16 let my felony conviction affect the rest of my life. I will  
17 continue working hard to provide for my family. Thank you for  
18 your time and fairness in my case.

19 My legal team has provided me with everything that I've  
20 needed upon me -- and they've never given up on me. Sorry.  
21 They continue to fight for me each and every step of the way.  
22 Thank you, Your Honor.

23 **THE COURT:** Thank you, Mr. Daniels.

24 All right. I appreciate the comments that you've made,  
25 Mr. Weber, as well as Mr. Daniels' allocution here. Of course,

1 a sentence of probation would constitute a variance from the  
2 advisory guideline range, and I don't have -- quite frankly, I  
3 don't see before me any justification for a variance. But by  
4 the same token, this circumstance that Mr. Daniels finds  
5 himself in involves some serious firearms, not only a  
6 9-millimeter pistol but an assault rifle as well, with  
7 high-capacity magazines, the maximum penalty for which is ten  
8 years in prison. However, the guideline range here is well  
9 taken, and as you've stated before, no defendant should ever be  
10 penalized for having gone to trial, and I will be guided by the  
11 advisory guidelines.

12 It is the considered judgment of the Court, after  
13 considering the advisory guideline computations, as well as the  
14 other sentencing factors under Section 3553(a) of Title 18 of  
15 the United States Code, and it is the judgment of the Court  
16 that the defendant is hereby committed to the custody of the  
17 Federal Bureau of Prisons for a term of 46 months as to the  
18 single count in the indictment.

19 Mr. Daniels, that's the highest end of the advisory  
20 guideline range, and I'm a believer that the sentencing  
21 guidelines are well calculated and well conceived. There are  
22 many persons who are prohibited for one reason or another from  
23 possessing any firearm. You've noted in your allocution that  
24 marijuana has been a problem for you, but it's marijuana in  
25 combination with firearms that has been your downfall here.

1 The formula is not a difficult one to remember. If you want to  
2 use drugs, even marijuana, you should not and cannot possess a  
3 firearm. For that matter, if you want to possess a firearm,  
4 then you just need to stay away from and do not use drugs, even  
5 marijuana. That is the law.

6 It is the further order of the Court that the defendant is  
7 to pay a fine in the amount of \$2,000, which is due  
8 immediately. This fine is a downward departure from the  
9 advisory guideline range and is based on the defendant's  
10 ability to pay.

11 Payment of the fine shall begin while the defendant is  
12 incarcerated. Upon release, any unpaid balance shall be paid  
13 at a rate of \$100 per month, with the first payment due 30 days  
14 after release from imprisonment.

15 The Court finds that the defendant does not have the  
16 ability to pay any interest on this fine. Therefore, the  
17 interest requirement is waived. In the event that the criminal  
18 monetary penalties are not paid in full prior to termination of  
19 his supervised release, the defendant is ordered to enter into  
20 a written agreement with the financial litigation program of  
21 the United States Attorney's Office for payment of any  
22 remaining balances.

23 Additionally, the value of any future discovered assets  
24 may be applied to offset the balance of the criminal monetary  
25 penalty. The defendant may be included in the Treasury Offset

1 Program allowing qualified federal benefits to be applied to  
2 offset the balance of the criminal monetary penalty.

3 Upon release from imprisonment, the defendant shall be  
4 placed on supervised release for a term of 3 years as to the  
5 single count of the indictment.

6 Within 72 hours of release from custody from the Bureau of  
7 Prisons, the defendant shall report in person to the probation  
8 office in the district to which he is released.

9 While on supervised release, the defendant shall comply  
10 with the mandatory conditions under Section 3583(d) of Title 18  
11 of the United States Code. The Court finds that the standard  
12 conditions of supervision which are listed in part G of the  
13 presentence investigation report and on the judgment order, and  
14 which have been adopted by the Court and have not been objected  
15 to by this defendant, are reasonably related to the factors set  
16 forth in Title 18 of the United States Code, Section  
17 3553(a)(1), (a)(2)(A), (B), (C), and (D). The Court finds that  
18 these conditions involve no greater deprivation of liberty than  
19 is reasonably necessary for the purposes set forth in that  
20 section.

21 In the Court's view, these conditions are consistent with  
22 the policy statements issued by the United States Sentencing  
23 Commission pursuant to their authority under Section 994(a) of  
24 Title 28 of the United States Code. Therefore, the defendant  
25 shall comply with the standard conditions of supervision on the

1 judgment order, which, of course, includes the prohibition of  
2 the possession of a firearm.

3 In addition, the following conditions are imposed. And  
4 these, of course, are special conditions. Number one, the  
5 defendant shall participate in a program of testing and  
6 out-patient treatment and in-patient treatment, if approved by  
7 the Court during the term of supervised release for drug abuse  
8 as directed by the probation office.

9 When enrolled in a drug treatment program, either  
10 in-patient or out-patient, the defendant shall abstain from  
11 consuming alcoholic beverages during treatment and for the  
12 remaining period of supervised release. The defendant shall  
13 contribute to the cost of treatment in accordance with the  
14 probation office co-payment policy.

15 Number two, the defendant shall not possess, ingest or  
16 otherwise use any synthetic narcotic or synthetic cannabinoid  
17 unless it is prescribed by a licensed medical practitioner and  
18 for a legitimate medical purpose.

19 Number three, in the event that the defendant resides in  
20 or visits any jurisdiction where marijuana or marijuana  
21 products have been approved, legalized or decriminalized, the  
22 defendant shall not possess, ingest or otherwise use marijuana  
23 or any marijuana products unless prescribed by a licensed  
24 medical practitioner and for a legitimate medical purpose.

25 The Court notes that special conditions number 1, 2 and 3

1 are imposed due to this defendant's history of illicit  
2 substance abuse, which is documented in the presentence  
3 investigation report. It is intended to provide the probation  
4 office with the necessary tools to assist the defendant in  
5 maintaining sobriety and will also assist in his reintegration  
6 after release from incarceration.

7 Number 4, the defendant shall provide the probation office  
8 with access to any requested financial information.

9 Number 5, the defendant shall not incur new credit charges  
10 or open additional lines of credit without the approval of the  
11 probation office and unless the defendant is in compliance with  
12 the installment payment schedule.

13 Special conditions number 4 and 5 are imposed due to the  
14 fine which the Court has ordered, and it is intended to enable  
15 the probation office with the tools necessary to monitor this  
16 defendant's payments and to ensure compliance with the  
17 installment payment schedule ordered by the Court.

18 Number 6, the defendant shall submit his person, property,  
19 house, residence, vehicle, papers, or electronic communication  
20 devices or office to a search conducted by a United States  
21 probation officer. Failure to submit to search may be grounds  
22 for revocation of supervised release. The defendant shall warn  
23 any other occupants that the premises may be subject to  
24 searches pursuant to this condition. An officer may conduct a  
25 search only when reasonable suspicion exists that the defendant

1 has violated a condition of supervised release and that the  
2 areas to be searched contain evidence of such a violation. Any  
3 search must be conducted at a reasonable time and in a  
4 reasonable manner. This special condition is imposed due to  
5 the nature and circumstances of the offense and the defendant's  
6 criminal history. It is also ordered in order to ensure the  
7 safety of the probation officers and the safety of the  
8 community during the term of supervised release.

9 The defendant, of course, is ordered to pay the mandatory  
10 special assessment in the amount of one hundred dollars, which  
11 is due immediately. The Court notes that if it has erred in  
12 the calculation of any of the sentencing guidelines, the Court  
13 would have imposed the same sentence as a variance, based upon  
14 the offense conduct in the case, the characteristics of the  
15 defendant, and all of the other aggravating and mitigating  
16 circumstances, and as well as the statutory sentencing factors  
17 under Section 3553 of Title 18 of the United States Code.

18 Pursuant to the preliminary order of forfeiture filed in  
19 this matter, the defendant has forfeited all right, title and  
20 interest in one American Tactical rifle, Model Mil-Sport CAL  
21 5.56, Serial Number MS012823, one magazine CAL 5.56, 25 rounds  
22 of ammunition, caliber 5.56. One Springfield Armory pistol,  
23 Model Hellcat, caliber 9-millimeter, Serial Number BA488003,  
24 one magazine, caliber 9-millimeter, and 14 rounds of  
25 9-millimeter ammunition. This is all pursuant to Title 18 of



1 the United States Code, Section 924(d) (1) and Section 2461(c)  
2 of Title 28 of the United States Code.

3 The Court is going to recommend that this defendant be  
4 permitted to participate in any substance abuse treatment  
5 program for which he may be deemed eligible while in the  
6 custody of the Bureau of Prisons, and that he be designated to  
7 an institution which is closet to his home for purposes of  
8 visitation. Anything else on behalf of the government?

9 **MS. ROSE:** No. Thank you, Your Honor.

10 **THE COURT:** Mr. Weber, anything else on behalf of Mr.  
11 Daniels?

12 **MR. WEBER:** No, Your Honor.

13 **THE COURT:** Mr. Daniels, sir, I advise you that you  
14 have the right to appeal. You have the right to appeal the  
15 conviction in this case and the right to appeal the sentence of  
16 the Court. You also have the right to appeal in forma  
17 pauperis, which means you have the right to a Court-appointed  
18 attorney if you can't afford to hire your own attorney during  
19 the appeal.

20 If nothing else, you are remanded to the custody of the  
21 United States Marshals pending designation to the appropriate  
22 institution. If nothing else, we are adjourned.

23 (HEARING CONCLUDED)  
24  
25

1  
2 CERTIFICATE OF COURT REPORTER  
3

4 I, Teri B. Norton, RMR, FCRR, RDR, Official Court  
5 Reporter for the United States District Court for the Southern  
6 District of Mississippi, appointed pursuant to the provisions  
7 of Title 28, United States Code, Section 753, do hereby certify  
8 that the foregoing is a correct transcript of the proceedings  
9 reported by me using the stenotype reporting method in  
10 conjunction with computer-aided transcription, and that same is  
11 a true and correct transcript to the best of my ability and  
12 understanding.

13 I further certify that the transcript fees and format  
14 comply with those prescribed by the Court and the Judicial  
15 Conference of the United States.

16  
17  
18  
19 S/ *Teri B. Norton*  
20 TERI B. NORTON, RMR, FCRR, RDR  
21 OFFICIAL COURT REPORTER  
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